

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN ROSS,	:	
Plaintiff	:	
	:	
v.	:	No.
	:	
BLACK CREEK TOWNSHIP,	:	
JOSEPH LESCOWITCH, individually and	:	
in his official capacity, and	:	
BONNIE ADAMS, individually and in her	:	
Official capacity,	:	
Defendants	:	

NOTICE OF REMOVAL

Defendants, Black Creek Township, Joseph Lescowitch, and Bonnie Adams, by and through their attorneys, Siana, Bellwoar & McAndrew, LLP, pursuant to 28 U.S.C. § 1441, *et seq.*, file the instant Notice of Removal of this case from the Court of Common Pleas of Luzerne County, Pennsylvania, No. 2018-10981, in which it is now pending, to the United States District Court for the Middle District of Pennsylvania, and in support thereof, state the following:

1. On September 21, 2018, Plaintiff John Ross commenced the instant action by filing a Complaint, asserting three (3) Counts. Plaintiff's claims are summarized as follows:

Count I: Pennsylvania Whistleblower Law violation (43 P.S. § 1423(a));
Count II: Defamation; and
Count III: Violation of the First Amendment protection of Freedom of Association.

2. On September 25, 2018, Plaintiff filed an Amended Complaint asserting the same three (3) Counts identified above. (A true and correct copy of Plaintiff's Amended Complaint is attached hereto as Exhibit "A.").

3. Defendants hereby exercises their rights under the provisions of 28 U.S.C. § 1441, *et seq.*, to remove this action to the United States District Court for the Middle District of Pennsylvania.

4. The present lawsuit is removable from the Luzerne County Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania because this Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question). In the Amended Complaint, Plaintiff asserts claims against Defendants for an alleged violation of Plaintiff's right to Freedom of Association, protected under the First Amendment.

5. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days from September 26, 2018, the date on which Defendants were served with Plaintiff's Amended Complaint.

6. Pursuant to the provisions of 28 U.S.C. § 1446(a), Defendants have attached copies of all process, pleadings, and orders served upon them. See Exhibit A.

7. Defendants will provide immediate notice of this filing to Plaintiff as required by 28 U.S.C. § 1446(d).

8. Contemporaneous with this filing, Defendants will file a copy of this Notice with the Prothonotary of the Court of Common Pleas of Luzerne County as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, Black Creek Township, Joseph Lescowitch, and Bonnie Adams, respectfully request that this Honorable Court assume jurisdiction of this action presently pending in the Court of Common Pleas of Luzerne County.

Respectfully submitted,

SIANA, BELLWOAR & McANDREW, LLP

Date: October 16, 2018

By: /s/ Andrew J. Bellwoar
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Attorneys for Defendants

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BONNIE ADAMS, individually and in her	:	
Official capacity,	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this day a true and correct copy of the Notice of Removal was served by first class mail, postage prepaid, and addressed to the following:

Franklin E. Kepner, Jr., Esquire
Franklin E. Kepner, III, Esquire
Kepner, Kepner & Corba, P.C.
123 West Front Street
Berwick, PA 18603

SIANA, BELLWOAR & McANDREW, LLP

Date: October 16, 2018

By: /s/ Andrew J. Bellwoar
Andrew J. Bellwoar, Esquire
Robert M. Tucker, Jr., Esquire
Attorneys for Defendants
Black Creek Township, Joseph Lescowitch and
Bonnie Adams